

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

DASHONE DUNLAP, et al.	)	CASE NO.: 1:17-cv-01926-DAR
)	
Plaintiffs,	)	JUDGE JAMES S. GWIN
)	
v.	)	MAGISTRATE DAVID A. RUIZ
)	
CUYAHOGA COUNTY, et al.	)	<u>ANSWER OF DEFENDANT JOSHUA</u>
	)	<u>ZIMMERMAN TO CROSS-CLAIM</u>
Defendants.	)	<u>FOR DECLARATORY JUDGMENT</u>
	)	<u>AGAINST DEFENDANT CUYAHOGA</u>
	)	<u>COUNTY AND CROSS-CLAIM OF</u>
	)	<u>DEFENDANT JOSHUA ZIMMERMAN</u>
	)	<u>AGAINST DEFENDANT CUYAHOGA</u>
	)	<u>COUNTY</u>

Now comes Defendant Joshua Zimmerman (hereinafter referred to as “Defendant Zimmerman”), and for his Reply to the Cross-Claim for Declaratory Judgment of Cuyahoga County and states:

1. All admissions and denials as set forth in the Defendant Joshua Zimmerman’s Answer to the Complaint of the Plaintiffs are incorporated herein by reference.
2. Defendant Zimmerman denies the allegations contained in paragraphs 80, 81 and 82 of the Cross-Claim of Defendant Cuyahoga County against Defendant Zimmerman.

WHEREFORE, having fully answered the Cross-Claim of Defendant Cuyahoga County, Defendant Zimmerman respectfully demands that the Declaratory Judgment as requested by the Defendant Cuyahoga County against Defendant Zimmerman be dismissed with prejudice at Defendant Cuyahoga County’s costs.

CROSS-CLAIM OF DECLARATORY JUDGMENT
AGAINST DEFENDANT CUYAHOGA COUNTY

1. Defendant Zimmerman restates and reavers each and every admission and denial as set forth in his Answer to the Plaintiff’s Complaint as if fully rewritten and contained herein.
2. Defendant Zimmerman states that that Defendant Cuyahoga County has the duty to defend said Defendant and to indemnify the Defendant Zimmerman in these within proceedings.
3. That Defendant Zimmerman acted both in good faith and within the scope of his employment and official responsibility as relates to the allegations contained herein and that, by reason therefore, Defendant Cuyahoga County has the duty to defend Defendant Zimmerman in these proceedings and to indemnify him as to any expenses and costs contained herein, including reasonable attorney’s fees.

4. That Defendant Cuyahoga County has the duty to both defend and hold said Defendant Zimmerman safe and harmless from any judgment which may be rendered in these proceedings, including punitive or exemplary damages and costs herein.

WHEREFORE, Defendant Zimmerman demands declaratory judgment that Defendant Cuyahoga County has the duty to defend Defendant Zimmerman in these proceedings and to indemnify said Defendant as to any expenses and costs contained herein including damages, reasonable attorney's fees, other litigation expenses, and the costs of these proceedings.

Respectfully submitted,

/s/ David S. Riehl

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Attorney for Defendant

Joshua Zimmerman

CERTIFICATE OF SERVICE

I certify that on the 5th day of March, 2018, the foregoing Answer of Defendant Joshua Zimmerman to Cross-Claim for Declaratory Judgment against Defendant Cuyahoga County and Cross-Claim of Defendant Joshua Zimmerman against Defendant Cuyahoga County was served on all parties by the Court's electronic filing system. Parties may access this filing through the Court's system.

I further certify that a true and accurate copy of the foregoing Separate Answer of Defendant Joshua Zimmerman to Cross-Claim for Declaratory Judgment against Defendant Cuyahoga County and Cross-Claim of Defendant Joshua Zimmerman against Defendant Cuyahoga County was mailed via ordinary U.S. Mail this 5th day of March, 2018 to:

Freddie Hodges
3998 Delmore Avenue
Cleveland, OH 44121
Defendant

And to Defendant at: Freddie Hodges
1197 N. Lockwood Avenue
Cleveland, OH 44112
Defendant

/s/ David S. Riehl
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*Attorney for Defendant
Joshua Zimmerman*